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5 USA,
6 Plaintiff,
7 v.
8 KING,
9 Defendant.

10 Case No. 06-cr-00658-CRB-1
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**13 ORDER GRANTING MOTION FOR
14 SENTENCE REDUCTION UNDER
15 18 U.S.C. § 3582(C)(1)(A)**

16 Shunnee King (“King”) moves for compassionate release pursuant to 18 U.S.C.
17 § 3582(c)(1)(A). Mot. (dkt. 95). King argues that his disproportionately long sentence, his
18 young age at the time of sentencing, his medical conditions, and his rehabilitative efforts
present extraordinary and compelling reasons that warrant a reduced sentence to time
served. *Id.* at 1–2. The United States opposes. Opp’n (dkt. 103). For the reasons
discussed below, the Court GRANTS King’s motion.

19 **I. BACKGROUND**

20 King is forty years old and currently serving a sixty-five-month federal sentence for
21 one count of sex trafficking of a minor. Judgment (dkt. 81) at 1. His federal sentence
22 follows an already-served seventeen-year state sentence, which involved the same course
23 of conduct. Indictment (dkt. 1) at 3–4; Falk Decl. Ex. E (dkt. 94-2) (“Santa Clara County
24 Criminal Complaint”).

25 **A. Convictions and Sentences**

26 On August 31, 2005, when King was twenty-one years old, he engaged in sex
27 trafficking of a minor. Plea Agreement (dkt. 62) ¶ 2. On April 7, 2006, the Los Gatos
28 Police Department arrested King for this conduct and charged him with various violations

1 of California law. Santa Clara County Criminal Complaint at 3–8. These charges included
2 robbery, mayhem, assault, and procuring/pimping a minor under the age of 16 for
3 prostitution. Id. The federal government subsequently indicted King on two counts of sex
4 trafficking of minor under 18 U.S.C. § 1591 and enticement of a minor under 18 U.S.C.
5 § 2425 on September 28, 2006. Indictment at 4. All of King’s charges pertained to his act
6 of sex trafficking of a minor on August 26, 2005, and his conduct surrounding that
7 incident. Indictment at 3; see Santa Clara County Criminal Complaint.

8 Although the state charges were filed first, King’s federal case proceeded first. See
9 Pet. and Writ Of Habeas Corpus Ad Prosequendum and Order (dkt. 4). In his federal case,
10 King filed a motion to suppress (i) evidence obtained on August 31, 2005; (ii) statements
11 he made on that same day; and (iii) evidence obtained in a subsequent search in December
12 of 2005. Mot. to Suppress (dkt. 27) at 1. On May 28, 2008, this Court granted in part and
13 denied in part the motion to suppress. Order Granting in Part and Den. in Part (dkt. 60) at
14 1. King pleaded guilty to one count of sex trafficking of a minor in violation of 18 U.S.C.
15 § 1591 and was sentenced on October 22, 2008 to sixty-five months in federal custody, to
16 be followed by five years of supervised release. Plea Agreement ¶ 1.

17 King filed a similar motion to suppress in state court. Falk Decl. Ex. F (dkt. 94-3)
18 at 2. On April 29, 2008, the state court granted the motion to suppress the evidence. Id. at
19 8. The state appealed that decision. Id. at 9. On December 18, 2008—after his federal
20 sentence was handed down—the state appellate court reversed, denying the motion to
21 suppress. Id. at 18. In December of 2010, King pleaded guilty to state charges and was
22 sentenced to seventeen years in state prison. Falk Decl. Ex. G (dkt. 94-4).

23 Although King was sentenced in federal court first, he served his state sentence
24 first. Falk. Decl. Ex. J (dkt. 94-7). He finished his state sentence and was transferred to
25 federal prison on March 1, 2022. Id. His anticipated release date is December 26, 2026.
26 See <https://bop.gov/inmateloc/> (Reg. No. 90349-111). King’s cumulative sentence for his
27 conduct of sex trafficking of a minor on August 31, 2005 is 22.5 years.

B. Compassionate Release Motion

On December 1, 2022, King filed a letter to the Court and asked that his state and federal sentences run concurrently. Letter (dkt. 84). The Bureau of Prisons also requested guidance from the Court as to how King's federal sentence should run with respect to his state sentence. Falk Decl. Ex. I (dkt. 94-6). On December 8, 2022, the Court held a status conference on the matter. Minute Entry (dkt. 89). Both King and the government conceded that no concurrent time was contemplated at the original federal sentencing because the plea agreement was silent on the issue. Minute Entry (dkt. 93). In addition, the sentencing memoranda indicated that his federal sentence would be consecutive to his state sentence should he be convicted of state charges. Sentencing Memorandum (dkt. 75) at 2 n2. The Court instead invited King to file a compassionate release motion. Minute Entry (dkt. 93).

Pursuant to 18 U.S.C. § 3582(c)(1)(A), King moves for compassionate release on the grounds of his disproportionately long sentence, his young age at the time of the crime, his medical conditions, and the Bureau of Prison's failure to provide adequate medical care. Mot. at 8–16. The United States opposes, arguing that King has not presented extraordinary and compelling reasons for his release because a disproportionately long sentence itself does not warrant compassionate release. Opp'n at 8.

II. LEGAL STANDARD

Generally, a federal court “may not modify a term of imprisonment once it has been imposed.” Dillon v. United States, 560 U.S. 817, 819 (2010) (quoting 18 U.S.C. § 3582(c)). However, under 18 U.S.C. § 3582(c)(1)(A), courts have the authority to grant compassionate release and reduce a sentence for “extraordinary and compelling” reasons. This is a narrow exception, and “the court’s disposition of a compassionate release motion ‘is discretionary, not mandatory.’” United States v. Wright, 46 F.4th 938, 944–45 (9th Cir. 2022) (quoting United States v. Jones, 980 F.3d 1098, 1106 (6th Cir. 2020)).

Congress amended § 3582(c)(1)(A) to permit a defendant to petition the court directly for compassionate release through the First Step Act of 2018. Pub. L. No. 115-

1 391, Title VI, sec. 603(b)(1), § 3582, 132 Stat. 5194, 5239 (2018). As amended, a
2 defendant may seek a reduction directly from the court provided they exhaust their
3 administrative remedies. United States v. Keller, 2 F.4th 1278, 1281 (9th Cir. 2021). The
4 defendant must request a reduced sentence from the Bureau of Prisons, and the request
5 must either be denied or exceed a thirty-day period, whichever is earlier, before the court
6 may consider a motion for compassionate release. 18 U.S.C. § 3582(c)(1)(A).

7 Pursuant to 28 U.S.C. § 994(a), the Sentencing Commission recently promulgated
8 Amendments to the Sentencing Guidelines, providing the first guidance for the term
9 “extraordinary and compelling reasons” since the First Step Act was passed.¹ U.S.S.G. §
10 1B1.13. Effective November 1, 2023, courts are required to abide by this Sentencing
11 Commission policy statement when evaluating a § 3582(c) motion for compassionate
12 release. Id; see Concepcion v. United States, 142 S. Ct. 2389, 2401 (2022).

13 Courts evaluate three steps upon receiving a motion for compassionate release.
14 They are as follows: (A) whether “extraordinary and compelling reasons warrant” a
15 sentence reduction; (B) whether a reduction is “consistent with applicable policy
16 statements issued by the Sentencing Commission”; and (C) whether the applicable §
17 3553(a) sentencing factors support release. 18 U.S.C. § 3582(c)(1)(A); Wright, 46 F.4th
18 938 at 945. The court “need not evaluate each step” should it properly deny a motion for
19 compassionate release. Keller, 2 F.4th 1278, at 1284.

20 **III. DISCUSSION**

21 It is undisputed that King has exhausted his administrative remedies.² Falk Decl.
22 Ex. L (dkt. 94-9); Opp’n at 6. The Court will therefore proceed to the three steps of the
23 compassionate release analysis. First, the Court finds that King has presented
24 “extraordinary and compelling reasons.” Second, the Court finds that King is not

25
26 ¹ See U.S. Sentencing Comm’n, Amendments to the Sentencing Guidelines (April 27,
27 2023), <https://www.ussc.gov/sites/default/files/pdf/amendment-process/reader-friendly->
28 amendments/202305RF.pdf.

² King filed a request with the Warden of USP Atwater on February 15, 2023, and 30 days
have passed. Falk Decl. Ex. L. He has exhausted his administrative rights to appeal, and
the government does not contest this. Second Falk Decl. (dkt. 97) ¶¶ 1–3; Opp’n at 6.

1 dangerous to the community under the Sentencing Commission's policy statement. Third,
2 the Court finds that the applicable § 3553(a) sentencing factors support King's motion for
3 sentence reduction. Because King has satisfied these three prongs, the Court GRANTS
4 compassionate release.

5 **A. Extraordinary and Compelling Reasons**

6 Section 1B1.13 lists six circumstances that represent extraordinary and compelling
7 reasons, two of which are relevant to King's motion: (1) King's medical conditions and (2)
8 the residual exception.

9 **1. Medical Conditions**

10 There are three circumstances where a defendant may demonstrate that their
11 medical condition presents an extraordinary and compelling reason. First, the defendant
12 may demonstrate that they suffer from "a serious physical or medical condition" that
13 "substantially diminishes" their ability "to provide self-care within the environment of a
14 correctional facility and from which he or she is not expected to recover." U.S.S.G. §
15 1B1.13(b)(1)(B). Second, the defendant may demonstrate that they suffer from a "medical
16 condition that requires long term or specialized care that is not being provided and without
17 which the defendant is at risk of serious deterioration in health or death." Id.
18 § 1B1.13(b)(1)(C). Third, the defendant may show that they are housed at a facility
19 "affected or at imminent risk of being affected" by an infectious disease or ongoing health
20 emergency, and "due to personal health risk factors, . . . the defendant is at increased risk
21 of suffering severe medical complications or death as a result of exposure" of the disease.
22 Id. § 1B1.13(b)(1)(D).

23 King argues that the Bureau of Prison's failure to provide adequate medical
24 treatment for his chronic obstructive sleep apnea by not providing a CPAP machine is an
25 extraordinary and compelling reason warranting sentence reduction. Mot. at 19–22. King
26 also argues that his medical conditions, which include severe obesity, sleep apnea,
27 hypertension, and asthma, increase his risk for developing complications from COVID-19
28 should he be infected. Mot. at 23. Both arguments fail.

a. CPAP Machine

King does not present evidence that his sleep apnea “substantially diminishes” his ability to “provide self-care within the environment of a correctional facility.” U.S.S.G. § 1B1.13(b)(1). He also does not present evidence that he is “at risk of serious deterioration in health or death” should he not receive a CPAP machine. Id. § 1B1.13(b)(1)(C). He only asserts that his sleep apnea wakes him up at night “gasping for breath.” Falk Decl. Ex. A at 1. Although it is sympathetic that King is unable to get “proper sleep at night,” which understandably “bleeds into [his] ability to stay awake” during the day, the BOP’s failure to provide King with a CPAP machine to treat his sleep apnea does not present an extraordinary and compelling circumstance for compassionate release. King Decl. ¶ 4.³

b. Heightened Risk of Severe COVID-19 Infection

King’s argument regarding his heightened risk of a severe COVID-19 infection also fails. As of January 26, 2023, King has received three doses of the Moderna COVID-19 vaccine. Falk Decl. Ex. D at 2. King’s medical conditions of severe obesity, sleep apnea, hypertension, and asthma do increase his risk for severe COVID-19 infection. Mot. at 23–24. However, research overwhelmingly finds that the vaccine is highly effective in reducing hospitalization and death. For example, the Center for Disease Control and Prevention reported that a third mRNA dose prevented 90% of COVID-19 associated hospitalizations during the Omicron-predominated period. Thompson MG, Natarajan K, Irving SA, et. al. Effectiveness of a Third Dose of mRNA Vaccines Against COVID-19, Morbidity and Mortality Weekly Report, Jan. 28, 2022, DOI: <http://dx.doi.org/10.15585/mmwr.mm7104e3> (last accessed October 31, 2023). King’s increased risk of a severe COVID-19 infection after three doses of the Moderna vaccine therefore does not constitute an extraordinary and compelling reason for release. His risk

³ In general, “[m]any prisons have prohibited the use of CPAP machines in response to the COVID-19 pandemic because of the fear that they create a risk to spread the virus.” United States v. Nuzzolilo, 517 F. Supp. 3d 40, 42–43 (D. Mass. 2021) (collecting cases). As such, the lack of a CPAP machine without a “risk of serious deterioration in health or death” is not an extraordinary and compelling reason. U.S.S.G. § 1B1.13(b)(1)(C).

1 of COVID-19 infection does not “substantially diminish” his ability to “provide self-care
2 within the environment of a correctional facility and from which he is not expected to
3 recover.” U.S.S.G. § 1B1.13(b)(1)(B); see, e.g., United States v. Tashbook, No. 01-CR-
4 20160-CRB-1, 2023 WL 4769934, at *5 (N.D. Cal. July 25, 2023) (collecting cases).

5 2. Residual Exception

6 The residual exception provides that a defendant can establish an extraordinary and
7 compelling reason if he presents “any other” circumstances or a combination of
8 circumstances that are “similar in gravity” to the other extraordinary and compelling
9 reasons listed in paragraphs (1)–(4) of § 1B1.13. U.S.S.G. § 1B1.13(b)(5).

10 King argues that his cumulative sentence of nearly twenty-two and a half years is an
11 extraordinary and compelling reason for compassionate release. Mot. at 13–14. King also
12 argues that his young age at the time of sentencing and reforms for young offender
13 sentencing support a reduced sentence.⁴ Mot. at 14–19. King’s arguments independently
14 may not warrant compassionate release.⁵ However, the Court finds that King’s
15 rehabilitative efforts and young age at the time of sentencing combined with an
16 extraordinarily long sentence presents an extraordinary and compelling circumstance that
17 is “similar in gravity” to the age of the defendant exception and thus warrants a reduced
18 sentence. U.S.S.G. §§ 1B1.13(b)(2), 1B1.13(b)(5).

19 Courts have held that the combination of a lengthy sentence, commendable
20 rehabilitative efforts, and a young age at the time of the commission of the offense may
21 constitute an extraordinary and compelling reason for compassionate release. See United

22
23 ⁴ King also provides an overview of young offender sentencing reforms and young
24 offender scientific literature. Mot. at 13–19. While informative, the reforms and the
25 scientific literature are neither binding nor persuasive to determine whether King has
26 presented extraordinary and compelling circumstances that warrant compassionate release.

27 ⁵ The government argues that a disproportionately long sentence on its own is not an
28 extraordinary and compelling reason and it is simply “supposition” that King would not
have received the same sentence were he sentenced today. Opp’n at 8–9. Absent other
compelling factors, “a disproportionately long sentence is insufficient to warrant
compassionate release.” United States v. Georgiou, No. CR 09-088, 2021 WL 1122630, at
*9 (E.D. Pa. Mar. 23, 2021). However, as discussed infra, King presents additional
compelling factors that amount to an extraordinary and compelling circumstance for
sentence reduction.

1 States v. Brooker, 976 F.3d 228, 238 (2d Cir. 2020) (“[The defendant’s] age at the time of
2 his crime and the sentencing court’s statements about the injustice of his lengthy sentence
3 might perhaps weigh in favor of a sentence reduction.”); United States v. Maumau, 993
4 F.3d 821, 837 (10th Cir. 2021) (“[A] combination of factors warranted relief, including
5 [the defendant’s] young age at the time of sentencing”); United States v. Lopez, No. CR
6 97-01117 AC-2, 2020 WL 6298061, at *5 (D. Haw. Oct. 27, 2020) (finding that the
7 defendant’s “extraordinary rehabilitation,” “youth at the time of his offense,” lack of
8 criminal record, and minimal disciplinary history were grounds that merit compassionate
9 release); United States v. Crutcher, No. 03-CR-031-TCK, 2021 WL 2827481, at *6 (N.D.
10 Okla. July 7, 2021) (“Considering [the defendant’s] conviction at a relatively young age,
11 receiving what amounted to a life sentence, and his rehabilitation efforts, the Court finds
12 extraordinary and compelling circumstances which form the basis for relief.”).

13 Crutcher, in particular, is instructive here. In Crutcher, the court found that the
14 defendant presented extraordinary and compelling circumstances because he received a
15 lengthy cumulative sentence at a young age and committed himself to rehabilitative
16 efforts. 2021 WL 2827481, at *6. The defendant, who was twenty-four at the time,
17 pleaded guilty to possessing a firearm in relation to a drug trafficking crime and received a
18 sixty-month federal sentence to run consecutively to any other term of imprisonment. Id.
19 at *1. A month after he pleaded guilty in federal court, the defendant was convicted in
20 state court and sentenced to fifty years “for conduct which arose from the same criminal
21 transaction.” Id. at *4. The court found that his “lengthy” sentence at a “relatively young
22 age” contributed to the determination for extraordinary and compelling circumstances. Id.
23 at *5-*6. In addition, the court found it significant that the defendant committed himself
24 to rehabilitative efforts while he was incarcerated and maintained relationships with his
25 family, friends, and community. Id. at *5.

26 Like Crutcher, King’s lengthy federal and state sentences “arose from the same
27 criminal transaction”: the act of sex trafficking of a minor. King was young—just twenty-
28 one-years-old—when he was arrested. Plea Agreement ¶ 2. Shortly after he pleaded

1 guilty in federal court, King pleaded guilty in state court and received a cumulative
2 sentence of 22.5 years. Id. ¶ 1; Falk Decl. Ex. G. King has spent nearly half of his life
3 incarcerated for his conduct on August 31, 2005, and has served 82% of his sentence. Plea
4 Agreement ¶¶ 1, 2. Also like Crutcher, King has demonstrated commendable
5 rehabilitative efforts. While incarcerated, King completed numerous educational courses.
6 King Decl. ¶ 7; Falk Decl. Ex. N (dkt. 94-11). At USP Atwater, King received Certificates
7 of Achievement for Turning Point Modules on Coping, Attitudes, Criminal Thinking, and
8 Mindfulness. Falk Decl. Ex. N. King also indicated that in state prison, he was unable to
9 take the courses he wanted to due to his federal detainer classification, but he “did as much
10 as [he] could to better [himself].” King Decl. ¶ 8. To the extent that he was able, King has
11 spent his seventeen years in custody rehabilitating himself.

12 Taken together, King’s young age at time of sentencing, lengthy cumulative
13 sentence, minimal criminal history, and rehabilitative efforts demonstrate an extraordinary
14 and compelling reason warranting sentence reduction. The Court specifically finds that
15 these factors, in combination, are “similar in gravity” to other extraordinary and
16 compelling circumstances listed in § 1B1.13. The similarity in gravity is most apparent
17 when comparing King’s circumstances to the age of the defendant exception. U.S.S.G. §
18 1B.13(b)(2). Under the age of the defendant exception, a court may reduce a defendant’s
19 sentence if the defendant (1) is at least 65 years old; (2) is experiencing serious
20 deterioration of physical or mental health due to the aging process; and (3) has served at
21 least ten years or 75% of the term of imprisonment, whichever is less. Id. This exception
22 was promulgated in part because older inmates exhibit a very low rate of recidivism
23 compared to younger age groups. Id. § 1B.13 Amend. 799.

24 Having served nearly twenty years and 82% of his sentence, King easily satisfies
25 factor three under either criteria. Plea Agreement ¶¶ 1, 2. And while King is neither 65
26 nor experiencing deterioration due to the aging process, he demonstrates comparable
27 considerations: (1) he is already in his forties, after being sentenced at the young age of
28 twenty-one; and (2) he has rehabilitated himself through classes focused on bettering his

1 mental state. See Falk Decl. Ex. N (listing King's completed educational courses,
2 including Attitudes, Criminal Thinking, and Mindfulness). King's age relative to when he
3 was sentenced, and the change in his mental state—that is, bettering himself so he may
4 become a productive member of society—are circumstances on par with factors one and
5 two of § 1B1.13(b)(2).

6 Given King's time served, current age, age at sentencing, and rehabilitative efforts,
7 his circumstances are "similar in gravity" to the age of the defendant exception provided in
8 § 1B1.13. The Court therefore finds that King has presented an extraordinary and
9 compelling reason for compassionate release.

10 **B. Dangerousness**

11 Since King has established an extraordinary and compelling reason for a reduced
12 sentence, the next inquiry is whether a reduction is "consistent with applicable policy
13 statements issued by the Sentencing Commission." The Sentencing Commission requires
14 the Court to find that "the defendant is not a danger to the safety of any other person of the
15 community." U.S.S.G. § 1B1.13(a)(2). The Court concludes that King would not pose a
16 danger to the safety of the community if he were to be released based on his age,
17 rehabilitative efforts while incarcerated, and release plan.

18 To determine dangerousness, the Court weighs the 18 U.S.C. § 3142(g) factors.
19 U.S.S.G. § 1B1.13(a)(2). These are as follows: (i) "the nature and circumstances of the
20 offense charged;" (ii) the weight of the evidence against the person;" (iii) the history and
21 characteristics of the person;" and (iv) "the nature and seriousness of the danger to any
22 person or the community that would be posed by the person's release. 18 U.S.C.
23 § 3142(g).

24 The nature and circumstances of the offense charged are no doubt very serious.
25 There is also no question about the weight of the evidence against King. Plea Agreement ¶
26 2. However, King's history and characteristics, age, rehabilitation, and release plan
27 support the finding that he is "not a danger to the safety of any other person or to the
28 community. U.S.S.G. § 1B1.13(a)(2).

1 King's criminal history prior to his incarceration was not severe. The Presentence
2 Investigation Report indicated that his one prior felony conviction was for Attempting to
3 Evade a Peace Officer. Falk. Decl. Ex. M (dkt. 94-10) ¶ 75 ("PSR"). King's criminal
4 history also includes a juvenile adjudication and a misdemeanor drug sale. Id. As for
5 King's personal history, the PSR also noted that King's childhood lacked parenting and
6 structure. Id. ¶ 77. Both of King's parents had "long-standing substance abuse problems
7 which prevented them from being supportive role models." Id. King was also subject to a
8 "pattern of neglect" by his parents. Id. ¶ 51. For example, King was shot in a drive-by
9 shooting and complained of back pain, but he was "not brought to the doctor's office by a
10 responsible adult." Id. ¶ 77. As a result of these findings, probation recommended that the
11 Court sentence King to a period less than the low end of the guideline range of eighty-four
12 months. Id. Probation articulated that a shorter sentence was "sufficient punishment to
13 impress upon Mr. [King] the seriousness of his conduct, while still offering a level of
14 deterrence and protection to the community." Id.

15 As previously described, King has committed himself to rehabilitation efforts while
16 incarcerated. King has also repeatedly expressed remorse for his actions. Id. ¶¶ 17, 27;
17 King Decl. ¶ 9. On June 27, 2008, King provided the following written statement: "I
18 accept responsibility for what I did. I am very sorry for what I did. I do not intend to ever
19 contact [the victim] again. I will not have anything to do with her ever. I am very sorry."
20 PSR ¶ 17. This statement was sufficient for a computation adjustment for acceptance of
21 responsibility. Id. ¶ 27. As recently as June 21, 2023, King maintains that he still
22 "definitely [has] a huge amount of remorse about all my prior actions." King Decl. ¶ 9.

23 Upon release from federal prison, King must serve a five-year period of supervised
24 release. Judgment at 3. King plans to live with and take care of his retired mother in
25 Oakland, CA. King Decl. ¶ 9. King's mother indicated that he has family support in the
26 Oakland area. Probation Resp. (dkt. 101) at 5. King also plans to take classes to operate
27 heavy machinery. King Decl. ¶ 9.

28 Importantly, the government concedes that King likely does not pose a danger to the

1 public. Opp'n at 10. King has served seventeen years in custody, and he is unlikely to
2 reconnect with the same crowd he socialized with before he was imprisoned, regardless of
3 whether his sentence is reduced. Id. In addition, "his medical conditions and his
4 relatively advanced age also make it less likely that he will recidivate or otherwise
5 endanger the public, particularly if he is confined to his mother's home for the first several
6 years after he is released." Id.

7 Given King's history, age, rehabilitation, and release plan, the Court finds that he is
8 not a danger to the safety of any other person or to the community.

9 **C. 18 U.S.C. § 3553(a) Factors**

10 The third prong of the compassionate release analysis asks whether the applicable §
11 3553(a) sentencing factors support release. The relevant § 3553(a) factors are as follows:
12 (i) the nature and circumstances of the offense and history and characteristics of the
13 defendant; (ii) the need for the sentence imposed to reflect the seriousness of the offense,
14 to promote respect for the law, and to provide just punishment for the offense; and (iii) to
15 protect the public from further crimes of the defendant. 18 U.S.C. § 3553(a).

16 The § 3553(a) factors were discussed in depth above and support King's motion for
17 sentence reduction. There is no dispute that King's offense, sex trafficking of a minor, was
18 very serious. However, given his young age at the time of sentencing, seventeen years in
19 custody, rehabilitative efforts, remorse, and lack of apparent dangerousness, the § 3553(a)
20 factors support release.

21 **IV. CONCLUSION**

22 For the foregoing reasons, the Court GRANTS King's Motion for Compassionate
23 Release. The Court reduces King's sentence to time served with stringent conditions of
24 specialized release as imposed in his original sentencing hearing and as recommended by
25 his probation officer. Judgment at 3–4; see Probation Resp. This includes: (i) supervised
26 release for a term of five years; (ii) Location Monitoring Program-Home Detention for the
27 duration of his custodial sentence; (iii) the special conditions of supervision imposed in
28 2008; and (iv) an expanded search condition to Special Condition No. 5 to include

1 electronic devices and their data. Judgment at 3–4; Probation Resp. at 3–4.
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3 **IT IS SO ORDERED.**

4 Dated: November 1, 2023

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6 CHARLES R. BREYER
7 United States District Judge

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United States District Court
Northern District of California